



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

June 13, 1996

Mr. Ron M. Pigott
Assistant General Counsel
Texas Department of Public Safety
Box 4087
Austin, Texas 78773-0001

OR96-0952

Dear Mr. Pigott:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 39628.

The Texas Department of Public Safety (the "department") received an open records request for information, generated daily, from the department's DIC-24 information sheets. You claim section 552.101 excepts the requested information from required public disclosure and have submitted a representative sample of the information requested for our review.¹

Initially, we note that the Open Records Act does not require a governmental body to comply with a standing request for information to be collected or prepared in the future. *See* Attorney General Opinion JM-48 (1983); Open Records Decision Nos. 476 (1987), 465 (1987). Additionally, the Open Records Act does not require a governmental body to disclose information that did not exist at the time the request was received. *Economic Opportunities Dev. Corp. v. Bustamante*, 562 S.W.2d 266 (Tex. Civ. App.-San Antonio 1978, writ dismissed); Open Records Decision No. 452 (1986) at 3. As the request seeks information which has not yet been created, the department need not comply with this portion of the request.

¹In reaching our conclusion here, we assume that the "representative samples" of records submitted to this office are truly representative of the requested records as a whole. *See* Open Records Decision Nos. 499 (1988), 497 (1988). This open records letter does not reach and, therefore, does not authorize the withholding of any other requested records to the extent that those records contain substantially different types of information than that submitted to this office.

Section 552.101 of the Government Code excepts from disclosure "information considered to be confidential by law, either constitutional, statutory, or by judicial decision." You claim that section 552.101 in conjunction with section 521.051 of the Transportation Code excepts the requested information from required public disclosure.

Section 521.051 provides that the department "may not disclose class-type listings from the basic driver's license record file to any person except as provided by Section 521.049(C)," which allows the department to "make information from driver's license record files, including class-type listings, available to an official of the United States, the state, or a political subdivision of this state for government purposes only." See Open Records Decision No. 498 (1988). As the requestor seeks a "class-type" listing of information, the department must withhold the requested information pursuant to section 552.101 of the Government Code.

We are resolving this matter with this informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and may not be relied upon as a previous determination regarding any other records. If you have questions about this ruling, please contact our office.

Yours very truly,

A handwritten signature in black ink, appearing to read "Todd Reese", with a long horizontal line extending to the right.

Todd Reese
Assistant Attorney General
Open Records Division

RTR/rho

Ref.: ID# 39628

cc: Ms. Cheryl D. Anderson, Paralegal
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